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Dated: May 8, 2003

Signature: [Signature]

(Jeffrey S. Sharp)

Docket No.: 29853/37706  
(PATENT)

#1 (me)  
9  
Conversion from  
abstract.

6.9.03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Zhang, *et al.*

Application No.: 10/033,491

Group Art Unit: 1648

Filed: December 27, 2001

Examiner: M. Mosher

For: Method for Treating Patients with Adenoviral  
Vectors

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**PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.48(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

We hereby petition under 35 C.F.R. § 1.48(a) to correct an error in the inventorship to add two inventors, Deborah Wilson and Lucetta Caston. The error in omitting Deborah Wilson and Lucetta Caston arose without any deceptive intention on their part or on the part of any of the currently named inventors. Correction of the inventorship in the issued patent, U.S. Patent No. 6,194,191 has been separately petitioned.

In support of the instant petition and in accordance with 37 C.F.R. § 1.48(a)(1-5) the following items are submitted herewith:

1. A request to correct the inventorship setting forth the desired change in inventors;
2. Statements from Deborah Wilson and Lucetta Caston (*see*, Tab A) that the error in inventorship occurred without deceptive intention on either of their parts;
3. Declarations by the inventors as required and permitted pursuant to 37 C.F.R. § 1.63 (*see*, Tab B) specifically: (a) declarations of Deborah Wilson and Lucetta

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PATENT & TRADEMARK OFFICE

Caston; (b) a copy of the Declaration of the original inventors as executed in the parent case by Shuyuan Zhang, Capucine Thwin and Zheng Wu; and (c) the decision of the Office of Petitions mailed February 26, 1999 according Rule 1.47(a) status in such parent case because Toohyon Cho, a non-signing inventor refused to join the filing in the above-referenced parent case;

4. The processing fee pursuant to § 1.17(i); and
5. A statement (*see*, Tab C) by the assignee, Introgen Therapeutics, Inc., granting consent to the change of inventorship, which statement complies with 37 C.F.R. § 3.73(b).

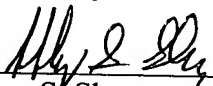
We request that the following six individuals be named inventors on the above-referenced application:

Shuyuan Zhang  
Capucine Thwin  
Zheng Wu  
Toohyon Cho  
Deborah Wilson  
Lucetta Caston

In view of the foregoing comments and attachments, it is submitted that all the requirements for correction of inventorship of the above-referenced patent application have been satisfied.

Dated: May 8, 2003

Respectfully submitted,

By:   
Jeffrey S. Sharp  
Registration No.: 31,879  
MARSHALL, GERSTEIN & BORUN  
233 S. Wacker Drive, Suite 6300  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicant



CERTIFICATE OF MAILING  
37 C.F.R. 1.8

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Shuyuan Zhang, et al.

Serial No.: 10/033,491

Filed: December 27, 2001

FOR METHOD FOR TREATING PATIENTS  
: WITH ADENOVIRAL VECTORS

Group Art Unit: Unassigned

Examiner: Unassigned

Atty. Dkt. No.: 29853/37706

STATEMENT OF DEBORAH WILSON AND LUCETTA CASTON

We, Deborah Wilson and Lucetta Caston, each hereby state the following:

(1) I was not originally named as an inventor in U.S. Patent Application Serial No. 10/033,491.

(2) The failure to name me as an inventor in U.S. Patent Application Serial No. 10/033,491 occurred without any deceptive intent on my part.

\_\_\_\_\_  
Deborah Wilson

Lucetta Caston  
Lucetta Caston

\_\_\_\_\_  
Date

Aug. 1, 2002  
Date



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CERTIFICATE OF MAILING  
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Deborah Wilson  
Deborah Wilson

7/11/02  
Date

Lucetta Caston  
Lucetta Caston

                      
Date

AUSTIN

*AP*  
*INRP: 058*



UNITED STATES DEPARTMENT OF COMMERCE  
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HOUSTON TX 77210-4433

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In re Application of  
Zhang, Thwin, Wu and Cho  
Application No. 08/975,519  
Filed: November 20, 1997  
For: Method for the Production and  
Purification of Adenoviral Vectors

SPECIAL PROGRAMS OFFICE  
DECISION ACCORDING STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the papers filed January 20, 1999 which have been treated as a request for reconsideration of the petition under 37 CFR 1.47(a).

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (703)306-3159.

*Karin*

Karin Tyson  
Senior Legal Advisor  
Special Program Law Office  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects

